

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MICHAEL SABELLA,

Plaintiff,

v.

Civil Action No.
06 – CV – 6566 (NG)(SMG)

**AMERICAN STEVEDORING, INC., and
LOCAL 1814 INTERNATIONAL
LONGSHOREMAN’S ASSOCIATION, AFL-CIO,**

Defendants.
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**DEFENDANT LOCAL 1814’s OBJECTION
TO THE ADMISSION OF THE FEVOLA AFFIDAVIT INTO EVIDENCE**

Plaintiff seeks the admission of the Fevola affidavit into evidence—ostensibly for its truth value: that is, for the proposition that Fevola was intimidated by his employer into making a false statement to Feliu. Because the affidavit is inadmissible hearsay of a non-party witness, however, it cannot be admitted for the truth.

Moreover, the document must not be admitted for impeachment either. Local 1814’s representation of Sabella could only be based upon the facts that were available at the time of Sabella’s pier level hearing in 2007. The fact that Fevola recanted his statement in 2012 is immaterial to the decisions Local 1814 made in 2006-2007. Fevola already testified to his present state of mind about the matter. Admitting the 2012 affidavit would further confuse the issues and unduly prejudice Local 1814.

Dated: New York, New York
November 17, 2014

MARRINAN & MAZZOLA MARDON, P.C.

By: /s/John P. Sheridan
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Local 1814, International
Longshoremen's Association, AFL-CIO*

CERTIFICATE OF SERVICE

I hereby certify that on November 17, 2014 the foregoing was served via ECF upon the all counsel of record:

/s/ John P. Sheridan
John P. Sheridan